

# **LEGISLATIVE HEARING CALENDAR**

Positions to be taken by the City of Milwaukee on the following bills will be discussed by the

## **COMMITTEE ON JUDICIARY-LEGISLATION**

**MONDAY, JANUARY 30, 2006 AT 9:45 AM**

**Room 301-B City Hall**

AB-914 Finance charges for payday loans

AB-919 Ballast water management, providing a penalty, and making an appropriation

SB-455 Releasing persons arrested for certain offenses related to operating a vehicle while intoxicated

## 2005 ASSEMBLY BILL 914

January 17, 2006 – Introduced by Representatives SCHNEIDER, BOYLE, TRAVIS, MUSSER, ALBERS, HAHN and SHERIDAN, cosponsored by Senators JAUCH and MILLER. Referred to Committee on Financial Institutions.

- 1     **AN ACT** *to amend* 138.09 (1m) (a) and 422.201 (3); *to repeal and recreate*  
2           138.09 (title); and *to create* 138.14 of the statutes; **relating to:** finance charges  
3           for payday loans.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, a lender other than a bank, savings bank, savings and loan association, or credit union generally must obtain a license from the Division of Banking in the Department of Financial Institutions (division) in order to assess a finance charge greater than 18 percent per year. This type of lender is generally referred to as a "licensed lender." With certain limited exceptions, current law provides no maximum finance charge for a loan entered into by a licensed lender.

Currently, a lender who makes payday loans is typically required to be a licensed lender. In a standard payday loan transaction, the lender accepts a personal check from the borrower, pays the borrower the amount of the check less any applicable finance charge, and agrees to wait a short time, such as two weeks, before depositing the check. Current law does not specifically regulate payday loan transactions.

This bill creates a maximum finance charge for payday loans. Under the bill, a lender, other than a bank, saving bank, savings and loan association, or credit union, who makes payday loans in the regular course of business, which the bill defines as a "payday loan provider," may not assess a finance charge that exceeds 2 percent per month. In addition, a payday loan provider must obtain the license described above. Also, the bill requires the division to enforce the bill's prohibition.

## 2005 ASSEMBLY BILL 919

January 17, 2006 – Introduced by Representative MOLEPSKE. Referred to Committee on Natural Resources.

1 AN ACT *to create* 20.370 (4) (aw) and 23.245 of the statutes; **relating to:** ballast  
2 water management, providing a penalty, and making an appropriation.

---

### *Analysis by the Legislative Reference Bureau*

This bill requires a person who operates an oceangoing vessel that uses a port in this state to obtain a permit from the Department of Natural Resources. To obtain a permit, the person must demonstrate to DNR that the vessel is not capable of taking on ballast water or that the vessel is equipped with technology that DNR determines will prevent the introduction of aquatic nuisance species into the Great Lakes. Aquatic nuisance species are plants and animals that are not native and that threaten the diversity or abundance of native species or the ecological stability of infested waters or that threaten commercial, agricultural, or recreational activities that are dependent on infested waters. A person who operates an oceangoing vessel without a permit or operates in violation of a permit is subject to a forfeiture (a civil monetary penalty) of up to \$25,000 for each day of violation.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 20.370 (4) (aw) of the statutes is created to read:

## 2005 SENATE BILL 455

November 29, 2005 – Introduced by Senators LASSA, COWLES, DARLING, HANSEN, LEIBHAM and PLALE, cosponsored by Representatives KAUFERT, AINSWORTH, BERCEAU, BIES, FIELDS, HAHN, HINES, KERKMAN, LEHMAN, LOTHIAN, OTT, PETTIS, SHILLING, TOWNSEND and TURNER. Referred to Committee on Judiciary, Corrections and Privacy.

1     **AN ACT** *to amend* 345.24; and *to create* 345.24 (1m) of the statutes; **relating**  
2           **to:** releasing persons arrested for certain offenses related to operating a vehicle  
3           while intoxicated.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, a person arrested for certain offenses related to driving a vehicle under the influence of an intoxicant or with a prohibited alcohol concentration may not be released from police custody until 12 hours have elapsed from the time of his or her arrest or unless a chemical test shows that the person has an alcohol concentration of less than 0.04 except that the person may be released to his or her attorney, spouse, relative, or other responsible adult at any time after arrest.

Under this bill, a person may be released to his or her attorney, spouse, relative, or other responsible adult if the attorney, spouse, relative, or other responsible adult accepts legal responsibility for the actions of the arrested person for 12 hours after the time the person was arrested. In addition, the bill requires a law enforcement officer to seize or immobilize the vehicle used in the incident that gave rise to the arrest for 12 hours, except that if the vehicle is the only vehicle owned or leased by any member of the arrested person's household, the officer may release the vehicle to a member of the household.